IN RE: PETITION FOR ZONING VARIANCE S/S Paper Mill Road, 1850' W of the c/l of York Manor Road

(2807 Paper Mill Road) 10th Election District 3rd Councilmanic District

\* DEPUTY ZONING COMMISSIONER \* OF BALTIMORE COUNTY

Daniel S. Martin, Jr., et ux Petitioners \* \* \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit three (3) recreational vehicles to be stored on the subject residential property in lieu of the one permitted as of right, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Daniel S. Martin, Jr., appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 2807 Paper Mill Road, consists of 1.02 acres zoned R.C. 4 and is improved with a single family dwelling, which has been Petitioners' residence for the past 20 years. Also existing on the property are an accessory garage, four sheds, a mobile home and two race cars on trailers. Petitioners filed the instant Petition as a result of a zoning violation notice they received. Petitioner had been cited for parking the motor home in the front yard, storing more than one recreational vehicle on the property, and storing unlicensed and inoperable motor vehicles on the property. Testimony and photographs presented indicated that the property has been cleaned up and  $\searrow$  the mobile home has been moved and placed in compliance with the zoning regulations. Further, Petitioner has removed all unlicensed and untagged vehicles, except for the two race cars owned by him which have been placed on licensed trailers. Petitioners are requesting permission to keep the

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 96-561-The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section .415/1 TO ALLOW 3 RECREATIONAL VEHICLES TO BE STORED ON RESIDENTAL PROPERTY IN LIEU OF THE ONE ALLOWED IN SIDE & rearyand.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

C-2 10-4 Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing a petition, and further agree to and are to be bound by the zoning regulations and restriction Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

MR. DANIEL S. MARTIN, JR. Contract Purchaser: MRS. EVA J. MARTIN Mrs. Eva J. Martin Attorney for Petitioner: 2807 Papor MIRd. 527-0867 (Type or Print Name) Phoenix md. 21131

lame, address and phone number of legal owner, contract purchaser or representative to be contacted

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day quired by the Zoning Law of Baltimore County, in two newspapers of general circulation through-Baltimore County, that property be posted, and that the public hearing be had before the Zoning nmissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

MATED LENGTH OF HEARING (-1/2HR.)

AVAILABLE FOR HEARING

MOE./TUES./WED. - NEXT TWO MONTHS MATED LENGTH OF HEARING

two race cars on the trailers in the rear yard as depicted in Petitioner's Exhibit 1. The testimony and evidence presented indicated that the property is well-screened and the storage of the two race cars on the trailers in the proposed location as depicted in Petitioner's Exhibit 1 will not \* Case No. 90-561-A

create an eyesore. Petitioner testified he has stored the two race cars on his property since approximately 1973. Petitioner contends the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding community and that its denial will

create practical difficulty for him.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, or general welfare, provided Petitioners comply with the restrictions set forth hereinafter.

ZONING DESCRIPTION 90-561-A

BEGINNING AT A POINT ON THE SOUTH SIDE OF PAPER

MILL ROAD WHICH IS 19 FEET WIDE AT A DISTANCE

OF 1850 FEET WEST OF THE CENTERLINE OF THE

NEAREST INTERSECTING STREET, YORK MANOR

ROAD. METES AND BOUNDS ARE: N.53°35'E.

120 FT., S. 36° 25' E. 360.85 FT., S. 50° 44' W. 120.15

FT., AND N. 36° 25' W. 374. 29 FT. TO THE PLACE OF

BEGINNING. AS RECORDED IN THE LAND RECORDS |

OF BALTIMORE COUNTY IN LIBER# 5107, FOLIO#

710 ALSO KNOWN AS 2807 PAPER MILL

ROAD PHOENIX, MARYLAND 21131 AND

LOCATED IN THE 10TH ELECTION DISTRICT.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of September, 1990 that the Petition for Zoning Variance to permit three (3) recreational vehicles to be stored on the subject residential property in lieu of the one permitted, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and Petitioners would be required to bring the property into compliance with the B.C.Z.R.

2) The variance granted herein is limited to the Petitioners only, and the storage of the three (3) recreational vehicles, including two race cars and one mobile home, currently owned by Petitioners. In the event the subject property is sold or leased, the variance granted herein shall be rescinded.

3) The subject recreational vehicles shall at all times be operable. In the event any of the vehicles become inoperable, they shall be removed from the property.

> mundy Waterow! ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

(301) 887-3353 J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Daniel S. Martin, Jr.



RE: PETITION FOR ZONING VARIANCE S/S Paper Mill Road, 1850' W of the c/l of York Manor Road (2807 Paper Mill Road) 10th Election District - 3rd Councilmanic District Daniel S. Martin, Jr., et ux - Petitioners Case No. 90-561-A

Dear Mr. & Mrs. Martin:

Baltimore County Zoning Commissione

Office of Planning & Zoning

2807 Paper Mill Road

Phoenix, Maryland 21131

Towson, Maryland 21204

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

September 5, 1990

In the event any party finds the decision remared is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

\_ M. Klas forcewise ANN M. NASTAROWICZ

Deputy Yoning Commissioner for Baltimore County

cc: People's Counsel

ajd:NMA

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 90-561-17

recei

District 10th Posted for: Vovice	•	Date	of Posting 8/3/	7.0
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Petitioner: De 7/1/5	Paper Mill &	1. (1807)	1850° W/YWK14	ivan Adr
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Baltimore County County Office Building
111 West Chesopeake Avenu PUBLIC HEARING FEES 010 -ZONING VARIANCE (IRL) LAST MANE OF DWNER: HARTIN

g B C15\*\*\*\*\*3500:a 8298F

Petition for Zoning Variance Case number: 90-561-A S/S Paper Mill Road, 1850' V of cit of York Manor Road 2807 Paper Mill Road 10th Election District 3rd Councilmanic Petitioner(s): Deniel S. Martin, Jr., ex ux Hearing Date: Friday, August 24, 1990 at 2:00 p.m. and received in this office by the date of the hearing set above or

Zoning Commissioner of Baltimore County JT 7/201 July 19.

CERTIFICATE OF PUBLICATION

TOWSON, MD. \_\_\_\_\_\_ Jacky 23\_\_\_, 19\_90 THIS IS TO CERTIFY, that the annexed advertisement was

weeks, the first publication appearing on July 118, 19 90

S. Zeke Orlan

PO 106174

Petition for Zoning Variance Petition for Zoning Variance
Case number: 90-561-A
18/8 Paper Mill Road, 1850' W
of oil of York Monor Road
2807 Paper Mill Road
10th Election District
3rd Councilments
Petitioner(s):
Deniel 3. Mertin, Jr., ex ust
Hearing Date: Friday.
August 24, 1990 at 2:00 p. m. Variance: to allow 3 recrea-Variance: to access reached or tional vehicles to be stored or residential property in Seu of the sone accessed in side and rear yard. In the event that this Potition is in the event that this Posson is granted, a building permit may be sessed within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain envy request for a stay of the tesuence of said permit during this period for good cause shown. Such request must be in writing end received in this office by the date of the hearing set above or presented at the hearing. Zening Commissioner of Sultimore County 17 7/201 July 19 CERTIFICATE OF PUBLICATION

TOWSON, MD., 9 23 7. 19 90 THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive ; weeks, the first publication appearing on July 19. 19 20.

19 Jen 1997

Dennis F. Rasmussen
County Executive

S: 224 Olimber

Case Number: 90-561-A

\$127.41

Baltimore County

Zoning Commisioner

County Office Building

111 West Chesapeake Avenue

Towson, Maryland 21204

8/24/90

Posting and Advertising fee Caniel S. Martin

04A04H0114HICHRC BA C001432PM08-24-90

Baltimore County Zening Commissioner
Office of Planning & Zoning

Towson, Maryland 21204

(301) 887-3353 J. Robert Haines Zoning Commissioner

August 15, 1990

Mr. & Mrs. Daniel S. Martin, Jr. 2807 Paper Mill Road

Phoenix, MD 21131 RE: Item No. 423, Case No. 90-561-A Petitioner: Daniel S. Martin, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Martin:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

DATE 7/3/195

2807 Paper Mill Road Phoenix, Maryland 21131 Re: Petition for Zoning Variance

Mr. & Mrs. Daniel S. Martin, Jr.

CASE NUMBER: 90-561-A S/S Paper Mill Road, 1850' W of c/l of York Manor Road 2807 Paper Mill Road 16th Election District -3rd Councilmanic Petitioner(s): Daniel S. Martin, Jr., et ux HEARING: FRIDAY, AUGUST 24, 1990 at 2:00 p.m.

Dear Mr. & Mrs. Martin:

Please be advised that  $\frac{127.41}{15}$  is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE DRDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY

UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

J. Robert Huines

J. ROBERT HAINES

Baltimore County Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this 20th day of June, 1990.

a. Robert Huines

Zoning Plans Advisory Committee

Petitioner: Daniel S. Martin, Jr., et ux

ZENING ENFORCEMENT Baltimore County Zoning Office Towson, Maryland 2:204

90-561-A

INTER-OFFICE COPRESPONDENCE

May 29, 1990

TO: James E. Dyer Zoning Supervisor

FROM: James H. Thompson Zoning Enforcement Coordinator

RE: Item No. 423 (if known)
Petitioner: DANIEL MARTIN (if known)

VIOLATION CASE # C-90-2151 LOCATION OF VIOLATION 2807 Paper Mill Road DEFENDANT Daniel Martin

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

BALTIMORE COUNTY, MARYLAND

DATE: June 19, 1990

INTER-OFFICE CORRESPONDENCE

In reference to the Petitioner's request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the

J. Robert Haines

Office of Planning at 887-3211.

PK/JL/cnm

Zoning Commissioner

SUBJECT: Daniel S. Martin, Item No. 423

Pat Keller, Deputy Director Office of Planning and Zoning Baltimore County
Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines Zoning Commissioner

Dennis F. Raumussen

NOTICE OF HEARING

June 28, 1990

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance CASE NUMBER: 90-561-A S/S Paper Mill Road, 1850' W of c/l of York Manor Road 2807 Paper Mill Road 10th Election District -3rd Councilmanic. Petitioner(s): Daniel S. Martin. Jr., et ux HEARING: FRIDAY, AUGUST 24, 1990 at 2:00 p.m.

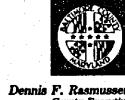
Variance to allow 3 recreational vehicles to be stored on residential property in lieu of the one allowed in side and side yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permi during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

cc: Mr. & Mrs. Martin

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-554

June 27, 1990



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 415, 423, 425, and 426.

Traffic Engineer Associate II

ZIMMA NATE O

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500

Paul H. Reincke

JUNE 6, 1990



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner:

#2807 PAPER MILL ROAD

DANIEL S. MARTIN, JR.

Location: Item No.: 423

Zoning Agenda: JUNE 19, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Catt Joseph Kelly 6/6/90 Approved The Prevention Bureau

Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 6, 1990

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for June 19, 1990

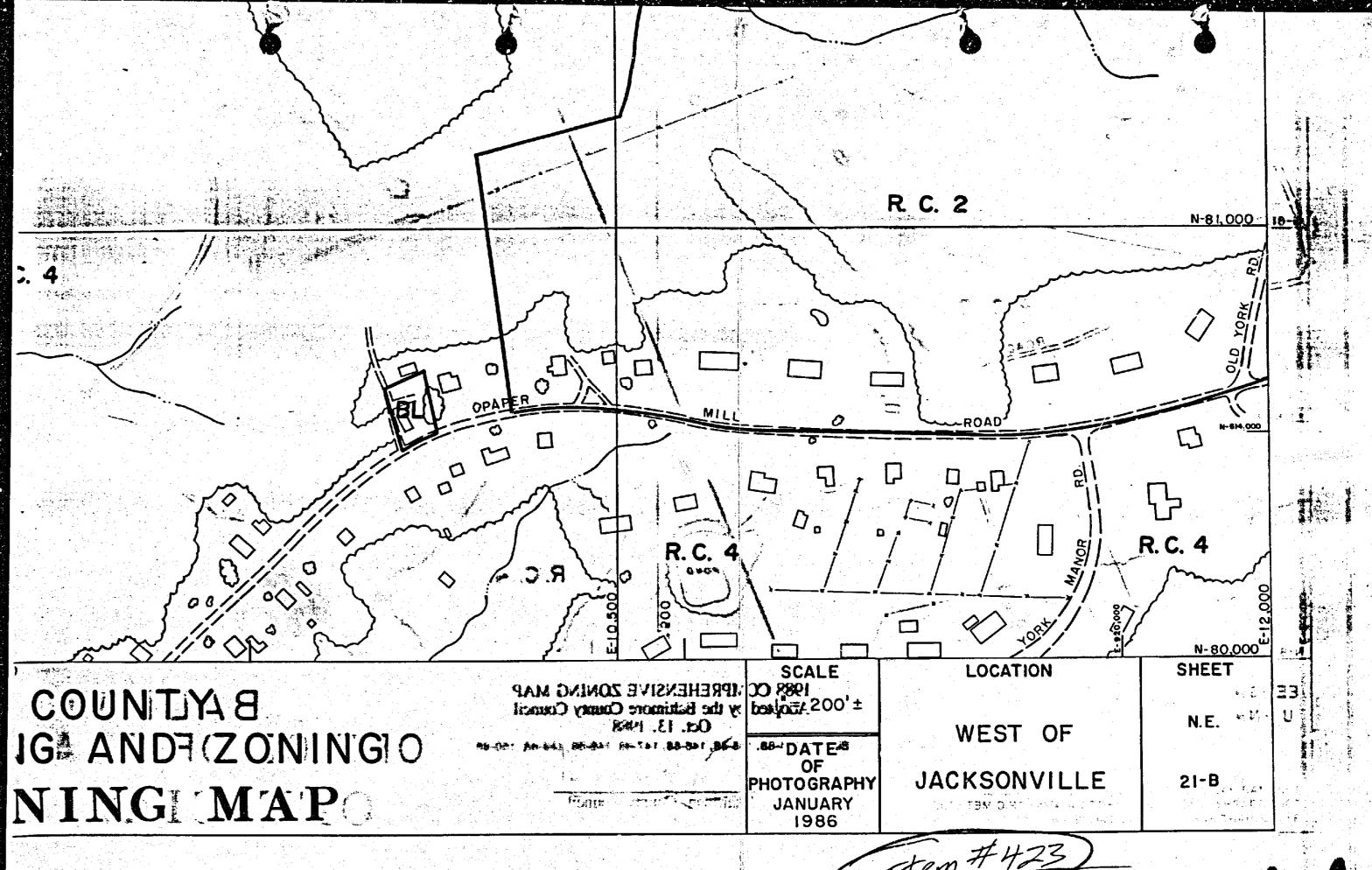
The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 422, 425 and 426.

For Item 405, the previous County Review Group comments

For Item 415, a 10-foot widening strip should have been acquired by Baltimore County from Plat 29/75. A County Review Group Meeting will be required for this resubdivision.

ROBERT W. BOWLING, P.E., chief Developers Engineering Division

RWB:B



Plat to accompany Petition for Zoning Variance of Section 415 A: Recreational Vehicles

PROPERTY ADDRESS: 2807 PAPER MILL ROAD
PHOENIX, MARYAND
OWNER: DANIEL S. MARTIN, JR. AND EVA J. MARTIN + 1850 to E York 90-561-A PAPER MILL ROAD DRIVEWAY DRIVEWAY House House Vicinity Map LOCATION INFORMATION GHRAGE Councilimens District: 3 Election District: 10
1'=200' scale Map #: NE 21B UNDER LROUND SPRING RIGHT OF WAY Zoning: Residential R.C. 4 LOT Size: 102 WATER: Chesapeake Bay Critical Area: Prior Zoning Hearing: Liber # 5107 Folio # 710 NONE NORTH DATE: 5/21/90 SCALE of DRAWING: 1" = 20'